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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,433	04/02/2001	Joseph R. Pacione	52498/39	8582

27155 7590 01/12/2005

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EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/12/2005

.Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/822,433		PACIONE, JOSEPH R.	
	Examiner		Art Unit	
	Robert J Canfield		3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/07/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-63 and 65-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 56-63 and 65-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is in response to the amendment filed 10/07/04. Claims 56-63 and 65-86 are pending. Claims 1-55 and 64 have been canceled.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the units "inches" of claims 75 and 81 needs to be added to the specification.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 84 and 85 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 197 24 698 A1.

DE provides first anchor sheets 4 provided with hooks 14, decorative coverings 1 attached to second anchor sheets 8 provided with loops 17 attaching second anchor sheets 8 to first anchor sheets 4. It is inherent that plural anchor sheets would be laid side by side to cover an entire floor.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 56-63, 65-83 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,060,443 to Pacione.

Pacione provides floor 72 having side by side anchor sheets 73 covered with hooks to cooperate with loops on the underside of carpet tiles or sheets (column 7, lines 20+). The carpet sheets and tiles would inherently overlap/bridge joins in the anchor sheets.

Pacione fails to provide that the anchor sheets are plastic or polymers.

Pacione does suggest that the panels may be formed of any suitable material.

It would have been obvious at the time of the invention to one of ordinary skill in the art would that plastic particularly, at least polycarbonates, would have been an obvious material choice for the panels which comprise the anchor sheets of Pacione. Plastics would have been an obvious material choice for their inherent material properties such as strength to weight ratios.

Pacione also fails to provide that the underside of the anchor sheets 73 is provided with a cushioning material.

The provision of cushioning material in carpeting type flooring systems is well known in the art and it would have been obvious at the time of the invention to one having ordinary skill in the art that the underside of the anchoring sheets 73 of Pacione could have been provided with cushioning material. It would have been obvious so as to add a degree of resiliency to the flooring system as well as an insulation layer for both improved thermal properties and sound dampening.

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7. Claims 56-63, 65-73, 75-77 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,974,384 to Pacione.

Pacione provides a plurality of side by side anchor sheets 40 covered with hooks, temporary coverings 50 having undersides covered in loops which bridge joins in the anchor sheets and thereby attach them, the temporary coverings being removed and replaced with carpeting having undersides covered in loops (column 4, lines 40+)

Pacione fails to provide that the anchor sheets are plastic or polymers.

Pacione suggests that the panels may be formed of any suitable material.

It would have been obvious at the time of the invention to one of ordinary skill in the art would that plastic particularly, at least polycarbonates, would have been an obvious material choice for the panels which comprise the anchor sheets of Pacione. Plastics would have been an obvious material choice for their inherent material properties such as strength to weight ratios.

8. Applicant's arguments with respect to the rejection of claims 75 and 81 under 35 U.S. C. 112(1) have been fully considered and are persuasive in light of MPEP 2163 which states that if the error were an obvious error to one having ordinary skill in the art it does not constitute new matter. Therefore, the rejection has been withdrawn.

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9. Applicant's arguments with respect to the rejection of claims 84 and 85 under #5 U.S.C. 112(2) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
Art Unit 3635



01/09/05